

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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JEFF HULBERT, ET AL., :  
 :  
 :  
 : Plaintiffs, :  
 :  
 : vs. : CIVIL ACTION NO.:  
 : GLR18-CV-461  
 :  
 : SERGEANT BRIAN POPE, ET AL., :  
 :  
 : Defendants. :  
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August 23, 2019

Deposition of

KEVIN HULBERT,  
a Plaintiff, called for examination by counsel for  
the Defendants, pursuant to Notice, at the Department  
of General Services, 300 West Preston Street, Room 608,  
Baltimore, Maryland 21201, commencing at 1:30 p.m.,  
there being present on behalf of the respective  
parties:

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**Exhibit B**

1 accident 30 years ago, no.

2 Q When was your first encounter with Sergeant  
3 Pope on February 5, 2018?

4 A My estimate is that it occurred around 6:30  
5 p.m.

6 Q And what were the circumstances?

7 A I was alone on the public sidewalk. I had  
8 been dropped off with a collection of signs. I wanted  
9 to be there early, and so I was there by myself.

10 Q And who had dropped off the signs?

11 A My brother, Jeff, dropped me off.

12 Q And how did you encounter Sergeant Pope at  
13 that time?

14 A I recall he approached me.

15 Q And where were you at the time?

16 A I was at approximately the center of the  
17 public sidewalk. There are two crosswalks on College  
18 Avenue. And I was approximately at the center between  
19 those two crosswalks, but on the public sidewalk.

20 Q And do you -

21 A Equal distance from - I'm sorry. Equal

1 distance from each crosswalk, approximately the center.

2 Q And you were on the sidewalk that was  
3 immediately adjacent to Lawyer's Mall; is that correct?

4 A Yes. I was on the public sidewalk.

5 Q I understand.

6 A Nearer to the curb.

7 Q At any time on February 5, 2018, did you have  
8 communication with Chief Wilson?

9 A No.

10 Q Did you know where Chief Wilson spent the day  
11 on February 5, 2018?

12 A No.

13 Q When Sergeant Pope first approached you on  
14 February 5 what did he say to you?

15 A At first he made small talk. And then he  
16 said, I've got to get going, but by the way, when the  
17 other people come to join you - I'm paraphrasing -- he  
18 said I want you to move your demonstration into  
19 Lawyer's Mall.

20 Q Because it's important, I'm going to ask you  
21 to try to recall to the best of your abilities exactly

1 what words Sergeant Pope used when he first  
2 communicated with you on February 5; can you do that?

3 A I can't. I can't recall his exact words. I  
4 wasn't recording any video or audio as I did later.

5 Q Can you tell me any exact words that Sergeant  
6 Pope used when he first encountered you on February 5,  
7 2018?

8 A I can't recall the exact words. I just  
9 remember the general idea, that he was informing me  
10 that we couldn't be on the public sidewalk, that we  
11 needed to move any demonstration into Lawyer's Mall.

12 Q Did you understand what Sergeant Pope was  
13 telling you?

14 A I was confused a little bit. I didn't know  
15 why he was telling me that information at first. And  
16 he didn't say where in Lawyer's Mall. He just  
17 indicated by pointing, I think the direction would be  
18 to the south, towards Lawyer's Mall, that that's where  
19 we had to go with our demonstration.

20 Q And how did you respond to Sergeant Pope's  
21 statement?

1           A       I listened politely and was trying to  
2 understand what he was telling me.

3           Q       Did you make any verbal response to him at  
4 all?

5           A       I think at that time I asked him what this  
6 was about. And at that time I believe that's when  
7 Sergeant Pope told me that there had been a change in  
8 the policy, and that it had come down from the chief.  
9 That's what I recall.

10          Q       Well, that's what he's saying to you. What  
11 did you say to him?

12          A       I just simply accepted that. I listened and  
13 I didn't have a response.

14          Q       You didn't ask for an explanation?

15          A       No. He gave me the explanation, the reason  
16 he was telling us to move, as I understood it, the  
17 reason he was telling us to move was because he said  
18 there had been a change in the policy, and that it had  
19 come down from Chief Wilson.

20          Q       Because it's important, can you tell me to  
21 the best of your abilities exactly what Sergeant Pope

1 said in regards to any change in policy?

2 A No. I'm paraphrasing. He used the word  
3 "policy," and he named Chief Wilson, and that there had  
4 been a change. Those words reflect what he told me.

5 Q And did you respond at all to that  
6 explanation from Sergeant Pope that you just  
7 paraphrased?

8 A No. I think I thanked him for stopping by.

9 Q Did you contact anyone or take any action  
10 after your brief communication with Sergeant Pope?

11 A No.

12 Q When did you next see Sergeant Pope on  
13 February 5, 2018?

14 A He approached us, as I recall, from the east,  
15 along the sidewalk.

16 Q And what time was that?

17 A This was about 45 minutes later, as I recall.  
18 I don't have specific times for when he first  
19 approached me. And let me correct that. Because I  
20 next recall that as he came towards me, that was the  
21 second time I had seen him that night. And at this

1 point I turned on my camera, my camera phone and began  
2 recording video and audio.

3 Q Did you record the entire interaction between  
4 Sergeant Pope and your group of demonstrators?

5 A I recorded almost all of it. It began when  
6 he spoke to Jeff.

7 Q Now, at this second encounter with Sergeant  
8 Pope did you have any direct communication with him?

9 A No. I didn't speak to him.

10 Q In this second encounter with Sergeant Pope  
11 did he speak to you at all?

12 A No. He was speaking loudly, I assume so that  
13 the group could hear him speaking.

14 Q But your testimony is that he never spoke to  
15 you directly; is that correct?

16 A He didn't address me personally, is my  
17 recollection. He didn't attempt to speak to me as an  
18 individual. He was directing his remarks to my  
19 brother. And as I say, he was speaking loudly as if to  
20 have the entire group hear him in what he was saying.

21 Q And was it clear what Sergeant Pope was

1 telling your brother and the group?

2 A I recall he said, you can't be on the  
3 sidewalk. You have to be in Lawyer's Mall.

4 Q Is that all he said?

5 A He might have repeated some portion of that.  
6 I can't say from recollection.

7 Q Did Sergeant Pope order you or anyone from  
8 your group to do anything specifically at that time?

9 A No. I think my recollection is that he  
10 repeated some portion of it, and then he turned his  
11 back and walked away to the east again, where he had  
12 come from.

13 Q And did Sergeant Pope return to talk with you  
14 or anyone from your group?

15 A Yes, he did.

16 Q And when was that, and what did he say?

17 A He said, I told you that you have to be in  
18 Lawyer's Mall. I'm trying to remember the exact  
19 sequence. Well, that's what I remember so far.

20 Q Did Sergeant Pope warn you or anyone in your  
21 group that they would be subject to arrest if his



1 orders weren't followed?

2           A     No. My brother, at that point, responded, I  
3 think I have the chief's number. Can we call the  
4 chief? At this point Sergeant Pope was walking away.  
5 And that's when he picked up the microphone of his  
6 radio and he said something. And the portion I  
7 remember hearing was, we have some people to arrest.

8           Q     Now, up to that point were you still  
9 recording the events and the communications?

10          A     Yes. I have three videos which represent me  
11 starting and stopping the camera three times.

12          Q     So there are gaps of time in between those  
13 three videos?

14          A     Just briefly.

15          Q     And do you still have copies of those video  
16 files?

17          A     Yes. The raw files.

18          Q     Do you know of any other recordings or  
19 documentations that were made of the events that you  
20 just described?

21          A     I've seen videos taken by others.

1 Q How about still photos?

2 A I'm sorry?

3 Q How about still photos?

4 A Yes. I have seen some still photos.

5 Q Do you have copies of any of those photos  
6 under your control?

7 A I have a few that I copied from the internet,  
8 but mostly not. They were photos and videos which I  
9 viewed on the internet, news video and news  
10 photographs.

11 Q And where did you - what site did you access  
12 the data from?

13 A I looked for links to the news stories  
14 online.

15 Q But you don't remember any specific website  
16 that you went to in order to download copies of either  
17 video or still photos?

18 A No. I was, I think I was Googling the  
19 information and looking at - I recall looking at Bryan  
20 Sears, I think of the daily record, that he had  
21 captured video. Although, he is primarily a print

1 reporter.

2 Q When Sergeant Pope finished his communication  
3 on his radio, what did he do next?

4 A He turned and began to walk west, towards us  
5 again, meaning towards the center of the area where we  
6 were standing. He had walked to the east to make his  
7 radio transmission, which we could overhear partially.  
8 Then he turned west and came walking back. And Jeff  
9 attempted to ask him a question. And I recall he put  
10 his hand up and said no, you're all under arrest.

11 Q And how close were you to Sergeant Pope when  
12 he said that?

13 A I was video recording him at that time, and  
14 he walked from a position maybe 20 feet away to within  
15 maybe 10 feet of me when he put his hand up and made  
16 that statement.

17 Q How close was Sergeant Pope to Jeff Hulbert  
18 when he made that statement?

19 A I don't recall because he was out of my  
20 viewfinder. I was looking through the viewfinder of my  
21 camera, you know, at the picture I was recording.

1 Q What did Sergeant Pope do next?

2 A He continued to walk towards me and passed me  
3 on the sidewalk. I maintained my position, and I kept  
4 the camera on Sergeant Pope as he walked towards me. I  
5 recall he coughed heavily as he passed me. I pivoted  
6 as he walked past me, continuing to the west. And he  
7 walked past me another five to seven feet, and turned  
8 around, and faced east again toward me. I had pivoted  
9 and maintained him in my camera view the entire time.

10 Q And by that you mean that you had followed  
11 him for the distance; is that right?

12 A With my camera. I did not move. I was  
13 stationary from the very beginning of him walking back  
14 towards us, making the statement about you're all under  
15 arrest. And then he continued walking toward me, but  
16 he walked past me because there was room to pass me on  
17 the sidewalk, the public sidewalk.

18 Q And those motions and those statements by  
19 Sergeant Pope, are those part of the videos that you  
20 maintain?

21 A Yes.

1 Q After Sergeant Pope walked past you for the  
2 second time I believe, what did he do next?

3 A He began to repeat his order that everyone  
4 had to move into Lawyer's Mall. And he stepped toward  
5 me. And I could see in the camera frame that he had  
6 taken out his handcuffs and raised them high above  
7 shoulder height, approximately head height. I think he  
8 was holding his handcuffs in his right hand as he  
9 stepped toward me. I still maintained my position  
10 where I was standing.

11 Q And what was the warning that Sergeant Pope  
12 stated?

13 A Everyone had to move into Lawyer's Mall.

14 Q Did he indicate that he was - that if you  
15 didn't move that you would be subject to arrest?

16 A Yes. At that point I think I had attempted  
17 to speak and he interrupted me and he said - I'm  
18 paraphrasing -- if you don't move, I'm going to place  
19 you under arrest.

20 Q And was that statement also part of one of  
21 your video recordings?

1           A       I saw Sergeant Pope holding the handcuffs  
2 that he appeared to take from his own duty belt, held  
3 them up head high, apparently to display them to me.  
4 And then when he said you're under arrest he brought  
5 those handcuffs to me and began shackling me with the  
6 handcuffs he was holding.

7           Q       Okay. Did he place your hands behind your  
8 back or did you do that?

9           A       Both hands were grabbed and were twisted in  
10 different directions. Instead of my arms laying flat  
11 behind me, my arms were contorted. Each - I recall  
12 each of the hands were - my hands were crossed over  
13 and going in different directions. Contorted from the  
14 way they would be normally.

15          Q       But behind your back?

16          A       Yeah. I could feel the way my hands were  
17 arranged behind my back. I recall I had one hand up  
18 and one hand down. They weren't symmetrical.

19          Q       Were you read your rights upon being  
20 arrested?

21          A       I don't recall they were read. He appeared

1 to be speaking them to me from memory.

2 Q Okay. They were spoken out loud to you?

3 A Yes.

4 Q Who spoke them out loud to you?

5 A Sergeant Pope.

6 Q And how were you transported to Annapolis  
7 City Police Precinct building?

8 A After the handcuffs were placed on me  
9 extremely tightly, painfully tight, my arms were still  
10 contorted behind me, and Sergeant Pope lead me over to  
11 the corner of the patrol vehicle, opened the rear door  
12 on the passenger's side, and he placed me in the  
13 vehicle. He had some difficulty in attaching my  
14 seatbelt. He reached over with the seatbelt stretching  
15 out, attempting to belt me in, but he couldn't seem to  
16 reach the buckle. At that point Sergeant Pope drove  
17 his shoulder into my chest and upper body to drive me  
18 backwards in the seat, to gain, I assume, more space in  
19 which to reach the buckle.

20 Q And were you secured by the seatbelt?

21 A Eventually. He compressed his body weight

1 against me to hold me back against the seat. I cried  
2 out in pain because my hands still contorted behind me  
3 at the small of my back made a fulcrum. There was a  
4 space for my upper back which I was bent backwards by  
5 the force of his body weight against me. And it hurt  
6 so much I cried out involuntarily.

7 Q And did you ask to have any of the seatbelt  
8 or handcuffs adjusted?

9 A At that point he pressed me against the seat,  
10 and he buckled me in and shut the door.

11 Q Did you say anything to Sergeant Pope in that  
12 process?

13 A No. He was not in the vehicle at that point.

14 Q Did you - so this was Sergeant Pope's  
15 vehicle as far as you knew?

16 A I have no idea. It was a transport vehicle,  
17 a police transport vehicle.

18 Q Did Sergeant Pope drive it over to --

19 A Yes.

20 Q Okay. So when you were in transport to  
21 Annapolis City Police was there anyone in the vehicle



1     aside from you and Sergeant Pope?

2             A       No.

3             Q       Did you have any communication between one  
4     another in that transport time?

5             A       No.

6             Q       And how long did that transportation last?

7             A       It was several minutes. I was driven to the  
8     Annapolis City Police Precinct.

9             Q       And how were you removed from Sergeant Pope's  
10    vehicle?

11            A       Sergeant Pope pulled up to the rear of the  
12    precinct. And there was a caged area, I recall, at the  
13    back of the precinct that had a moveable fence that was  
14    opened in a motorized fashion. And he apparently  
15    demanded that the fenced in area be opened so that he  
16    could drive the patrol vehicle into the enclosure and  
17    close the fence before I was taken inside from the  
18    vehicle. But we waited a considerable time because the  
19    gate wasn't open, and there wasn't anyone there to open  
20    the gate. I recall, I think he left the vehicle and  
21    attempted to find someone to open the gate. I'm still

1 in pain because my handcuffs are so tight that my hands  
2 are falling asleep. My back still hurts, and I'm  
3 crushed against my own hands because the seatbelt is  
4 tight as it could be. It was actually under tremendous  
5 tension because it had been stretched to the maximum.  
6 So I'm waiting for Sergeant Pope to find someone to  
7 open the enclosure. And this took, I don't recall how  
8 long, it was several minutes. He might have even had  
9 to go to another entrance on the side of the building,  
10 leaving me there, waiting for someone to open that  
11 enclosure.

12 Q And did Sergeant Pope remove you from the  
13 vehicle eventually or did someone else do that?

14 A Eventually the gate was open and he drove  
15 into the enclosure. And I remember there were other  
16 officers on the scene who were openly laughing and  
17 saying, you know, you just could have brought him in  
18 the side door. And they seemed to be ribbing him about  
19 taking the extra caution of using the fenced in  
20 enclosure to unload me. I gathered they were teasing  
21 him about kind of an overkill. Why didn't you just

1 simply take him out and bring him in the door that was  
2 next to the fenced in area.

3 Q And what - the officers who were chiding  
4 Sergeant Pope in your understanding, where - what were  
5 their, what was their assignment?

6 A I think they were Annapolis City Police that  
7 came out in response to his searching for someone to  
8 open a door. And I think they came out the door that  
9 they were suggesting he use, but he - my recollection  
10 is he demanded the use of that caged area as an  
11 unloading area, that he wanted to be in there, open the  
12 gate, close the gate, and conduct the transfer from me  
13 to the police car into the precinct.

14 Q Do you know if that's proper procedure under  
15 Annapolis City Police protocol?

16 A I don't. I just gathered from the way the  
17 other police officers were talking, that it simply  
18 wasn't necessary.

19 Q What happened after you were taken out of the  
20 vehicle

21 A I recall being led, - my memories are not

1 distinct, through a series of rooms, before being taken  
2 to a windowless room and sat on a steel bench.

3 Q Was that the same bench where your brother  
4 was located?

5 A Eventually we were sitting together on the  
6 same bench.

7 Q And how long were you at the bench?

8 A We were handcuffed to the bench I think for  
9 about an hour and forty-five minutes, as I recall.

10 Q And how do you determine that time period?

11 A It was my recollection upon leaving, because  
12 I didn't know how much time had passed. I have a  
13 recollection of calculating that we had been there  
14 about an hour and forty-five minutes, based on checking  
15 the time later.

16 Q Were you released after you received and  
17 signed citations?

18 A Eventually. That - it took a while because  
19 he did not seem to know what the charges were?

20 Q Oh, you could see him while you were on the  
21 bench?